

**Question for written answer E-004675/2021
to the Commission**

Rule 138

Kosma Złotowski (ECR)

Subject: Tracking of Android smartphone users

According to a study¹ conducted by researchers from Trinity College Dublin and the University of Edinburgh, Android smartphones can track users even after all functions which allow the collection of sensitive data have been disabled. New phones produced by Xiaomi, Huawei and Samsung were used in the study, and in all three cases it was revealed that certain applications originally installed by the manufacturer were automatically and regularly sending data from the device to the servers of the operating system provider, as well as to a number of third parties. Furthermore, these are system applications which cannot be uninstalled by the user, and the data are gathered and transmitted even if the software has never been launched by the user.

With regard to the above:

1. In the Commission's view, do the aforementioned practices of smartphone manufacturers contravene Regulation 2016/679 of the European Parliament and of the Council, particularly Article 32 thereof, on the basis of which data can only be processed with the user's consent? If so, how does the Commission intend to increase the security of smartphone users' data?
2. In the context of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices, is it not deceptive to consumers to withhold information on data collection capabilities of the system applications installed on smartphones?

¹ https://www.scss.tcd.ie/Doug.Leith/Android_privacy_report.pdf